

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
v.) CR. NO. 2:07cr166-WKW
JOHN WEBSTER)

GOVERNMENT'S RESPONSE TO DEFENDANT WEBSTER'S MOTION TO SUPPRESS

Comes now the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and in response to the motion filed by the defendant herein, the following is submitted:

1. On March 28, 2007, Montgomery Police Officer, Corporal Gerald Manora was on patrol in the area of Eastern Boulevard and Troy Highway when he observed a vehicle matching the general description of a vehicle police officers had been informed was involved in a shooting.

2. Corporal Manora identified the defendant's vehicle as matching the description and based upon this reasonable suspicion, he stopped the subject vehicle. Once the vehicle was stopped, Corporal Manora asked the driver to exit the vehicle. The driver was the only occupant of the vehicle. Once the driver, Defendant John Webster, was out of the vehicle, Corporal Manora conducted a pat down search of the defendant and found a handgun in the right front waistband of the defendant's pants. He also found a plastic baggie that contained a green leafy substance in the defendant's right front pants pocket. These facts led to the current case.

3. Defendant alleges the stop was illegal because Corporal Manora did not have “an objective, reasonable suspicion of criminal activity.” The defendant asserts his vehicle is a Grand

Am with "Down & Dirty Customs" whereas the look-out was for a Grand Marquis with "Down South Customs" printed on the rear window.

4. It is unclear how defendant determined the look-out was for a Grand Marquis as he asserts. In Corporal Manora's memorandum prepared on March 28, 2007, and furnished in discovery, the vehicle was described as a blue/blue Pontiac Grand Prix. On yet another form from the Montgomery Police Department, also furnished in discovery, the vehicle is described as blue/blue 2002 Pontiac Grand Am. This is the exact model the defendant admits he was driving.

5. Corporal Manora unquestionably had an objective, reasonable suspicion of criminal activity for his stop of defendant's vehicle. (See, Terry v. Ohio, 392 U.S. 1 (1968)).

Wherefore, premises considered, the United States submits the defendant's motion is due to denied.

Respectfully submitted on this 13th day of November, 2007.

LEURA G. CANARY
UNITED STATES ATTORNEY

/s/Kent B. Brunson
KENT B. BRUNSON
131 Clayton Street
Montgomery, AL 36104
Phone: (334)223-7280
Fax: (334)223-7135
E-mail: kent.brunson@usdoj.gov

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
)
v.) CR. NO. 2:07cr166-WKW
)
JOHN WEBSTER)

CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:
Michael J. Petersen, Esq.

Respectfully submitted,

/s/Kent B. Brunson
KENT B. BRUNSON
131 Clayton Street
Montgomery, AL 36104
Phone: (334)223-7280
Fax: (334)223-7135
E-mail: kent.brunson@usdoj.gov